

VERSION WITH MARKINGS TO SHOW CHANGES

IN THE CLAIMS:

31. (amended) An optical switch, comprising:
at least one array of actuated mirrors configured for switching an optical beam from an input port to any output port[.];
said optical switch configured for separating at least one wavelength component in said optical beam from at least one other wavelength component of said optical beam;
said optical switch configured for independently switching said at least one wavelength component from any input port to any output port.

32. (amended) An optical switch, comprising:
at least one array of actuated mirrors configured for switching an optical beam from any input port to an output port[.];
said optical switch configured for separating at least one wavelength component in said optical beam from at least one other wavelength component of said optical beam;
said optical switch configured for independently switching said at least one wavelength component from any input port to an output port.

41. (amended) An optical switch, comprising:

[(a)] at least one input port;

[(b)] at least one output port; and

[(c)] at least one array of actuated mirrors configured for switching an optical beam from an input port to any output port[.];

said optical switch configured for separating at least one wavelength component in said optical beam from at least one other wavelength component of said optical beam;

said optical switch configured for independently switching said at least one wavelength component from an input port to any output port.

42. (amended) An optical switch, comprising:

[(a)] at least one input port;

[(b)] at least one output port; and

[(c)] at least one array of actuated mirrors configured for switching an optical beam from any input port to an output port[.];

said optical switch configured for separating at least one wavelength component in said optical beam from at least one other wavelength component of said optical beam;

said optical switch configured for independently switching said at least one wavelength component from any input port to an output port.

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Rejection of Claims 31-50.

(a) Claims 31, 32, 37-42, and 47-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wu (U.S. No. 5,581,643).

(b) Claims 33-36 and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Wu and Welch et al. (U.S. No. 5,255,332).

In response, and without prejudice or disclaimer, the Applicant has amended each of the independent Claims 31, 32, 41, and 42 to recite an optical switch that is configured for separating at least one wavelength component in an optical beam from at least one other wavelength component of the optical beam and independently switching that wavelength component from at least one input port to at least one output port. None of the cited references, singly or in combination, teach, suggest or provide motivation or incentive for an invention as so claimed.

2. Rejection of Claims 51-64.

(a) Claims 51, 52, and 57-64 were rejected as being anticipated by Nguyen et al. (U.S. No. 6,212,309).

(b) Claims 53-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Nguyen and Welch et al..

In response, the Applicant respectfully calls to the attention of the Examiner that the Applicant's effective filing date is approximately one-year prior to the effective filing

date of Nguyen as evidenced by Applicant's U.S. provisional application serial number 60/038,172 filed on February 13, 1997, from which this application claims priority.

Since the subject matter of Claims 51-64 is described that application, the Applicant is entitled to domestic priority over Nguyen.

Therefore, Nguyen is not a proper reference and the Applicant respectfully requests that Nguyen be removed as a reference. Once Nguyen is removed as a reference, Claims 51-64 will be in a condition for allowance.

Removal of Nguyen as a reference obviates the need for the Applicant to address the content and applicability of Nguyen and Welch et al. as applied to Claims 51-64. Applicant's response is without prejudice or disclaimer, and Applicant does not concede the stated grounds for rejection.

3. Conclusion.

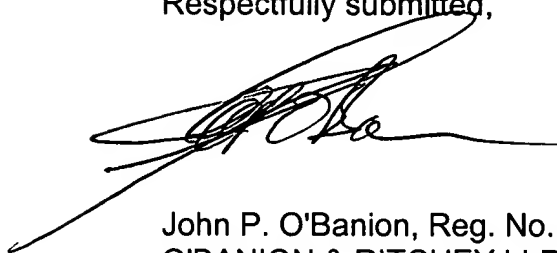
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: _____

10/31/01

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John P. O'Banion", written over a horizontal line.

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